

REMARKS/ARGUMENTS

Favorable consideration of this application, in light of the following discussion, is respectfully requested.

Claims 1-11 are pending in the application. No amendments are presented herein, thus, new matter is added.

In the outstanding Official Action, Claims 1, 2 and 4-11 were rejected under 35 U.S.C. § 102(e) as being anticipated by Ansell et al. (U.S. Patent No. 6,367,019, hereinafter, "Ansell"); and Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansell, and further in view of Bernecker (U.S. Patent No. 5,435,599).

The outstanding Official Action asserts that Ansell teaches all the elements of independent Claims 1, 4-6 and 9-11. Applicants respectfully traverse this rejection.

Independent Claim 1 relates to a transmitter device that transmits content to a receiver device by accessing a recording medium that stores both the content and *management data that is changed based on usage of the content*. The transmitter device comprises:

storage means for storing a check value calculated on the basis of the management data;

communication means which, in authenticating of the receiver device, transmits the management data to the receiver device and *receives a check value calculated on the basis of the management data and a check value calculated on the basis of management data changed based on the usage of the content from the receiver device*;

determination means for determining whether the check value of the management data received by the communication means matches the check value of the management data stored in the storage means; and

updater means for updating the check value of the management data stored in the storage means to the check value of the changed management data.

Claims 1, and 4-5 are directed to a transmitter; Claims 6 and 9-10 are directed to a receiver; and Claim 11 is directed to a system including both a transmitter and receiver for performing a cross authentication procedure, as discussed below. An exemplary, non-

limiting embodiment of the claimed cross-authentication procedure was described in detail in the previous response.

Turning to the applied reference, Ansell describes a method and system for copy security in portable music players. Specifically, Ansell describes that data, such as a musical track, is stored as a secure portable track (SPT) which can be bound to one or more specific external players and a particular storage medium.¹ The system restricts playback of the SPT to specific external players and ensures that playback is only from the original storage medium.² Ansell also describes that the SPT can be exchanged between authorized devices, such as a portable player (150) and external player (150B), by exchanging an encryption key, a random number, and signature.³

Ansell, however, fails to teach or suggest a transmitter device which transmits management data to the receiver device and *receives a check value calculated on the basis of the management data and a check value calculated on the basis of management data changed based on the usage of the content from the receiver device*, as recited in independent Claim 1.

In addressing the above-noted claimed feature, the outstanding Official Action relies on col. 9, line 58-col. 10, line 55 of Ansell. The cited portion of Ansell describes the process of exchanging the SPT between authorized devices such as the portable player (150) and the external player (150B), as described in the flow chart of Fig. 8. The portable player (150) initiates the exchange by sending a key exchange request message including a certificate corresponding to the portable player and a first random number. The external player (150B) responds by retrieving available keys and sending a reply message including the encrypted keys, the first random number, a second random number, and a certificate corresponding to the external player (150B). After the portable player (150) receives the reply message from

¹ Ansell, col. 2, lines 6-10.

² Id., col. 2, lines 10-13.

³ Id., Figs. 5, 8A-8B and col. 9, line 58-col. 10, line 55.

the external player (150B) and performs authentication, it sends an exchange message including the encrypted keys, and the first and second random numbers. Thus, a series of exchanges of keys, random numbers and certificates is used to facilitate the exchange of data between the portable player and the external player.

However, none of the items exchanged between the portable player and the external player are related to *management data that can be changed based on the usage of the content*. Instead, the cited portion of Ansell only describes the exchange of keys, random numbers, and certificates that are associated with the devices themselves and not with management information associated with any content. Thus, Ansell fails to teach or suggest a transmitter device which transmits management data to the receiver device and *receives a check value calculated on the basis of the management data and a check value calculated on the basis of management data changed based on the usage of the content from the receiver device*, as recited in independent Claim 1.

Accordingly, Applicants respectfully request that the rejection of independent Claim 1 under 35 U.S.C. § 102(e) be withdrawn. For substantially similar reasons, Applicants submit that independent Claims 4-6 and 9-11 also patentably define over Ansell.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ansell in further view of Bernecker.

However, as discussed above, Ansell fails to teach or suggest the above differentiated features recited in the pending independent claims. Likewise, Bernecker fails to remedy this deficiency, and therefore, none of the cited references, neither alone nor in combination teach or suggest Applicant's Claim 3, which includes the above distinguished features by virtue of dependency.

Accordingly, Applicants respectfully request that the rejection of Claim 3 under 35 U.S.C. § 103(a) be withdrawn.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by 1-11 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

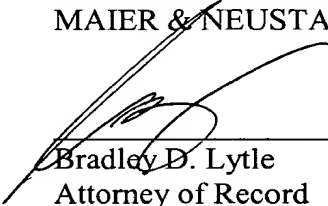
Respectfully submitted,

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